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Intermetals Corp v. Hanover Intl

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NOT PRECEDENTIAL

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-3322

INTERMETALS CORPORATION,

Appellant,

v.

HANOVER INTERNATIONAL AKTIENGESELLSCHAFT FUR
INDUSTRIEVERSICHERUNGEN

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

(D.C. Civil No. 01-cv-00200)
District Judge: The Honorable Mary Little Cooper

Submitted Under Third Circuit LAR 34.1(a)
June 7, 2002

BEFORE: NYGAARD, BARRY, and MAGILL, Circuit Judges.

(Filed: June 11, 2002)

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Appellant, Intermetals Corporation, appeals from an order of the District Court which dismissed the action. Appellant alleges as error the issues listed in paragraph I, taken verbatim from their brief. Because we conclude that the District Court did not err, we will affirm.

I.

The allegations of error asserted by appellant are as follows:

1. Did the District Court err in construing the language of the forum selection clause to be exclusive, mandatory, and thus enforceable?
2. Did the District Court err in finding that the forum selection clause was part of the contract of insurance?

II.

The facts and procedural history of this case are well known to the parties and the court, and it is not necessary that we restate them here. The reasons why we write an opinion of the court are threefold: to instruct the District Court, to educate and inform the attorneys and parties, and to explain our decision. None of these reasons are presented here. We use a not-precedential opinion in cases such as this, in which a precedential opinion is rendered unnecessary because the opinion has no institutional or precedential value. See United States Court of Appeals for the Third Circuit, Internal Operating Procedure (I.O.P.) 5.2. Under the usual circumstances when we affirm by not-precedential opinion and judgment, we "briefly set[] forth the reasons supporting the court's decision...." I.O.P. 5.4. In this case, however, we have concluded that neither a full memorandum explanation nor a precedential opinion is indicated because of the very extensive and thorough opinion filed by Judge Cooper of the District Court. Judge Cooper's opinion adequately explains and fully supports its order and refutes the appellant's allegations of error. Hence, we believe it wholly unnecessary to further opine, or offer additional explanations and reasons to those given by the District Court, why we will affirm. It is a sufficient explanation to say that, essentially for the reasons given by the District Court in its opinion dated the 2nd day of August, 2001, we will affirm.

III.

In sum, for the foregoing reasons, we will affirm the order of the District Court dated August 2, 2001.

TO THE CLERK:

Please file the foregoing opinion.

/s/ Richard L. Nygaard
Circuit Judge

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JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.1(a) on June 7, 2002.

On consideration whereof, it is now here ORDERED AND ADJUDGED by this Court that the order of the said District Court entered on August 2, 2001, be, and the same is hereby affirmed.

Costs taxed against appellant

All of the above in accordance with the opinion of this Court.

ATTEST:

Clerk

Dated: 11 June 2002